

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

TYLER FITZGERALD RAYBON-TATE,

Plaintiff,

v.

ARVIL CHAMPMAN,

Defendant.

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Case No. 1:14-cv-00100
Senior Judge Haynes

O R D E R


Before the Court in the Magistrate Judge's Report and Recommendation (Docket Entry No. 153) recommending that the Defendant's motion for summary judgment (Docket Entry No. 111) be granted on Plaintiff's Eighth Amendment claims for the alleged denial of his right to personal safety. The Magistrate Judge concluded that Plaintiff had failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act. (Docket Entry No. 153 at 21). Plaintiff filed his objections and motion in response to the Report and Recommendation (Docket Entry No. 157), but has not submitted any additional proof on his exhaustion of the grievance remedies.

Upon de novo review, the Court reviewed the entire record. The only grievances concerning the Defendant are a July 21, 2014 grievance (Docket Entry No. 1, Complaint at 17) and a July 22, 2014 grievance, both of which raise issues of his personal safety. Id. at 18. Yet, on July 23, 2014, these grievances were deemed as not legible on all copies. Id. at 19. Yet, the two grievances attached to Plaintiff's complaint are legible. In any event, there is not any proof that Plaintiff appealed the denial of his grievances. Absent proof of the exhaustion of his administrative remedies, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and this action is **DISMISSED without prejudice** for lack of jurisdiction .

This is the Final Order in this action. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3). All other pending motions are **DENIED as moot**.

It is so **ORDERED**.

ENTERED this the 6th day of September, 2016.



WILLIAM J. HAYNES, JR.
Senior United States District Judge